

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BOARD OF TRUSTEES of the PIPE FITTERS)	
RETIREMENT FUND, LOCAL 597;)	
BOARD OF TRUSTEES of the PIPE FITTERS)	CIVIL ACTION
WELFARE FUND, LOCAL 597;)	
BOARD OF TRUSTEES of the PIPE FITTERS)	
TRAINING FUND, LOCAL 597; the)	NO.: 09-CV-871
BOARD OF TRUSTEES of the CHICAGO AREA)	
MECHANICAL CONTRACTING INDUSTRY)	
IMPROVEMENT TRUST; and)	JUDGE: NORGLE
THE PIPE FITTERS' ASSOCIATION,)	
LOCAL 597 U.A.)	
)	MAGISTRATE
Plaintiffs,)	JUDGE: SCHENKIER
)	
vs.)	
)	
UNITED MECHANICAL CONTRACTORS INC.)	
an Illinois Corporation;)	
)	
Defendants.)	

MOTION FOR FINAL JUDGMENT

Now come Plaintiffs, the BOARD OF TRUSTEES of the PIPE FITTERS RETIREMENT FUND, LOCAL 597 *et al.*, by and through their attorneys, JOHNSON & KROL, LLC, and move this Honorable Court for entry of Final Judgment in favor of Plaintiffs and against Defendant UNITED MECHANICAL CONTRACTORS INC. ("UNITED"), and in support thereof, state as follows:

1. On February 13, 2009 Plaintiffs filed their Initial Complaint in the above-captioned matter.
2. On February 16, 2009, a copy of the Summons and Complaint were served upon Defendant UNITED via corporate service by leaving a true and correct copy of said documents with Rodney Mumphy, the President and Owner of Defendant UNITED.
3. Defendant UNITED did not file an Answer or otherwise respond to the Complaint within

20 days of February 16, 2009, the date the Defendant was served with the Summons and Complaint. (Fed. R. Civ. P. 12(a)(1)(A)(i)).

4. On or about April 16, 2009, this Court entered a Default Judgment Order (“Order”) in favor of Plaintiffs and against Defendant UNITED. (A copy of the Default Order is attached as Exhibit 1).
5. The Order provided that judgment is entered in favor of Plaintiffs and against Defendant UNITED in the amount of \$51,691.80 for unpaid contributions, liquidated damages and interest charges. (Exhibit 1).
6. The Order also provided that judgment was entered in favor of Plaintiffs and against Defendant UNITED for reasonable attorneys’ fees and all costs incurred by the Plaintiffs in bringing and litigating the suit. (Exhibit 1).
7. The Order further provided that the Plaintiffs were granted leave to move the court to enter Final Judgment once the missing Contribution Reports were submitted and the final damages are computed. (Exhibit 1).
8. The Plaintiffs served the Defendant UNITED with a copy of the Order requiring it to submit missing contribution reports. The Defendant UNITED eventually complied with the Court’s Order and submitted documentation that they were no longer employing any Covered Employees for which contributions and dues were due. Accordingly, the Defendant UNITED is not liable for any additional unpaid contribution payments.
9. However, the Defendant UNITED owes the Plaintiffs \$20,840.74 in reasonable attorney’s fees pursuant to the terms of the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. § 1132(g)(2)(D). (An Affidavit of Attorney’s Fees is attached as Exhibit 2).
10. The total principal balance due and owing to Plaintiffs from Defendant UNITED is

\$72,532.54.

11. A proposed Final Judgment Order is attached to this Motion as Exhibit 3.

WHEREFORE, Plaintiffs pray for the following:

- A. That judgment be entered in favor of Plaintiffs and against Defendant UNITED in the amount of \$72,532.54 for all unpaid contributions, liquidated damages, interest charges and attorney's fees and costs; and
- B. That Plaintiffs have such other relief and further relief as the Court may deem just and equitable all at Defendants' cost, pursuant to 29 U.S.C. §1132(g)(2)(E).

Respectfully submitted,

JOHNSON & KROL, LLC

/s/ Jeffrey A. Krol - 6300262
One of Plaintiffs' Attorneys

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